

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA**

**Alexandria Division**

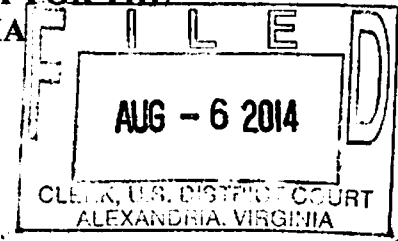
**Vernon Mitchell,  
Petitioner,**

**v.**

**Harold Clarke,  
Respondent.**

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**1:12cv945 (TSE/TRJ)**



**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED that the Court adopts as its own the findings of fact and recommendation of the United States Magistrate Judge, as set forth in the March 4, 2014 Report and Recommendation (Docket # 37); and it is further

ORDERED that there is no need to conduct an evidentiary hearing. This matter will resolve on summary judgment; and it is further

ORDERED that respondent's Supplemental Motion for Summary Judgment (Docket # 30) be and is GRANTED; and it is further

ORDERED that this petition be and is DISMISSED WITH PREJUDICE as moot.

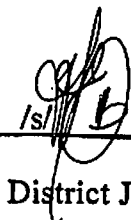
This is a Final Order for purposes of appeal. To appeal, petitioner must file a written notice of appeal with the Clerk's Office within thirty (30) days of the entry of this Order. A written notice of appeal is a short statement stating a desire to appeal this Order and noting the date of the Order petitioner wants to appeal. Petitioner need not explain the grounds for appeal until so directed by the court. Petitioner must also request a certificate of appealability from a circuit justice or judge. See 28 U.S.C. § 2253 and Fed. R. App. P. 22(b). For reasons stated in

the accompanying Memorandum Opinion, this Court expressly declines to issue such a certificate. Failure to timely file a notice of appeal waives the right to appeal this decision.

The Clerk is directed to send of copy of this Order and the accompanying Memorandum Opinion to petitioner and to counsel of record for respondent and to close this civil case.

Entered this 6<sup>th</sup> day of August 2014.

Alexandria, Virginia

  
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T. S. Ellis, III  
United States District Judge